

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

JUL 08 2008

LAWRENCE K. BAERMAN, Clerk
UTICA

NIAGARA MOHAWK POWER CORP.,

Plaintiff,

v.

CONSOLIDATED RAIL CORP., *et al.*,

Defendants.

Civil Action No. 98-CV-1039
(DNH) (GJD)

ORDER

Having considered the Motion to Dismiss Claims Filed as Between Niagara Mohawk Power Corporation and King Service, Inc., and accompanying papers, filed by Plaintiff Niagara Mohawk Power Corporation, as well as any opposition or responses thereto, it is hereby **ORDERED** that the motion is **GRANTED**.

Therefore, all of Niagara Mohawk's claims filed in the above-captioned action against King Service, Inc. and all the counterclaims filed by King Service, Inc. against Niagara Mohawk, are hereby dismissed with prejudice and without costs or attorneys' fees. This Order does not effect a dismissal as between any other parties or a dismissal of any other claims in this case.

Dated this 8th day of July, 2008.

Utica, N.Y.

United States District Judge